

U.S. Department of Justice

*United States Attorney
Southern District of New York*

*86 Chambers Street
New York, New York 10007*

April 1, 2021

By ECF

Hon. Robert W. Lehrburger
United States District Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

**Re: *Maria Castro v. Commissioner of Social Security*,
20 Civ. 3884 (RWL)**

Dear Judge Lehrburger:

This Office represents the Commissioner of Social Security (the “Commissioner”), defendant in the above-referenced action brought pursuant to 42 U.S.C. § 405(g), in which Plaintiff challenges a decision to deny Plaintiff’s application for benefits. Plaintiff consents to the requests made herein.

I respectfully write to request that the Court issue an order striking from the docket the administrative record filed in this Social Security matter on March 23, 2021 (Dkt. No. 19). The reason for this request is that the Social Security Administration and this Office recently learned that this administrative record contains records pertaining to an individual unrelated to this litigation. When we informed Plaintiff of this error, Plaintiff’s counsel kindly agreed to delete their copy of the administrative record and not to view it. Yesterday, this Office filed the corrected certified administrative record (Dkt. No. 20). We apologize to the Court and Plaintiff for this error.

In addition, in light of the fact that the corrected certified administrative record was filed yesterday, I respectfully request an extension of the deadlines set forth in the Court’s January 13, 2021 Order (Dkt. No. 18). Specifically, I request:

- an extension of Plaintiff’s deadline to serve a written proposal for settlement on counsel for the Commissioner, so that this deadline is 30 days from yesterday’s date, from April 23, 2021, to April 30, 2021,
- a corresponding extension of time for the parties to file a stipulation dismissing, remanding, or otherwise resolving the case, or to file a joint letter advising the Court that the parties were unable to resolve the case and are proceeding to brief their respective positions, from May 24, 2021, to May 31, 2021,
- a corresponding extension of time for the Commissioner to file his response (and any cross-motion) to Plaintiff’s motion to judgment on the pleadings, from July 23, 2021, to July 30, 2021,

- and a corresponding extension of time for Plaintiff to file any reply, from August 13, 2021, to August 20, 2021.

As aforementioned, Plaintiff consents to these requests. I thank the Court for its consideration of these requests.

Respectfully,

AUDREY STRAUSS
United States Attorney


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cc: Howard Olinsky, Esq. (by ECF)

The parties' requests are granted. Dkt. 19 will be stricken from the record. The new due dates are as set forth in this letter, with the modification that Plaintiff's deadline for filing a motion for judgment on the pleadings is also May 31, 2021.

SO ORDERED:

4/1/2021


HON. ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE